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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,452	12/09/2003	Shane Taghavi	2504-018	4421

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EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT PAPER NUMBER

1773

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,452

Applicant(s)

TAGHAVI, SHANE

Examiner

D. S. Nakarani

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-28 is/are pending in the application.
- 4a) Of the above claim(s) 9-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 9-24 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 13, 2005.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3, 5-8 and 25-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 depends from claim 4, which has been cancelled making claim 5 incomplete.

Claim 1, lines 4-6; claim 25, lines 5-8 and claim 26, lines 11-14, the upper limit of the composition of the core layer requiring 90% by weight of the layer styrene homopolymer (in claims 1 and 25) or polystyrenic polymer (in claim 26) renders claims indefinite and confusing because the claims requires as the lower limit of 10% by weight of the layer polystyrene toughener, 10% by weight of the layer adhesive resin and 5% by weight of the layer slip additive totaling 115% of the layer. Thus the Examiner does not understand the base for calculation when the recited upper limit 90 % by weight is selected. Clarification and/or correction requested.

Claim 27, line 2, the phrase " α -methylstyrene homopolymer" renders claim indefinite because claim 27 depends from claim 1 which requires polystyrenic layer made of styrene homopolymer. The α -methylstyrene homopolymer is not a styrene homopolymer.

Claim 28, lines 1-2, the phrase "core polystyrenic layer comprises styrene" renders claim indefinite and confusing because claim 28 depends from claim 1 which requires polystyrenic layer made of styrene homopolymer. Thus it is not clear from the claim language whether applicants trying to claim styrene homopolymer contain unreacted styrene monomer or something else. Clarification and/or correction requested.

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Childress (U.S. Patent 6,479,138).

Childress discloses a five layer low shrink tension film comprising core layer of ethylene/styrene copolymer having styrene content between 61 and 85 wt% (col. 7 lines 20-27), outer layers of ethylene/ α olefin copolymer, such as ethylene/octene copolymer having octene content of 9 wt % (col. 9, A7; col. 10, A20 etc) and intermediate layers of adhesive such as ethylene/vinyl acetate copolymers, a blend of very low density polyethylene and ethylene/vinyl acetate copolymer etc (col. 7, line 65 to col. 8, line 8). Childress discloses proportion of core layer, outer layers and intermediate layers (col. 8, lines 9-15). Childress fail to disclose claimed proportion of outer layers and claimed composition if intermediate layers. However given the teaching of

Art Unit: 1773

Childress, a person of ordinary skill in the art at the time of this invention made would have found it obvious to optimize physical properties of a multilayer film by varying composition and proportion of individual layer for the given applications.

5. Claims 1-3, 5-8, 25 and 27-28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

6. This application contains claims 9-24 drawn to inventions nonelected without traverse in the reply filed on January 13, 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

7. Applicant's arguments filed May 12, 2006 have been fully considered but they are not persuasive. In reference to rejection of claim 27 under 35 USC 112, second paragraph for the phrase "styrene homopolymer comprises α -methylstyrene", applicants state that to obviate the rejection the claim 27 is amended to state that the polystyrenic layer comprises α -methylstyrene homopolymer.

These arguments are unpersuasive because claim 27 depends from claim 1 which requires core polystyrenic layer made of styrene homopolymer. The α -methylstyrene homopolymer is not a styrene homopolymer as per description provided in the specification at page 5, paragraph 21. As per page 5, paragraph 21, the phrase

"polystyrenic polymer" refers to styrene homopolymers and copolymers and its analogs and homologs including α -methylstyrene. The preferred styrenes are styrene and α -methylstyrene. This does not mean that styrene homopolymer include α -methylstyrene homopolymer. The term "styrenes" is a generic term and includes styrene, α -methylstyrene, ring substituted styrenes. However the term "styrene" is not a generic term rather it is specific term referring to "styrene" and exclude α -methylstyrene, ring substituted styrene(s).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

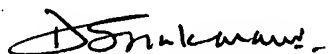
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 1773

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



D. S. Nakarani
Primary Examiner
Art Unit 1773

DSN
July 22, 2006.